

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Utilisource, fka Eastern Pacific Energy, Inc., a
California Corporation,

Complainant,

vs.

Southern California Edison Company,

Defendant.

Case 04-05-014
(Filed May 10, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING PREHEARING
CONFERENCE (PHC) AND CALLING FOR PHC STATEMENTS**

On May 10, 2004, Utilisource, fka Eastern Pacific Energy, Inc. (Utilisource) filed this complaint against Southern California Edison Company (Edison) requesting that the Commission issue an order (1) that Utilisource be entitled to provide electric power to its customers that had valid contracts prior to September 20, 2001 and; and (2) directing Edison to pay all lost profits to Utilisource for Edison's failure to allow Utilisource to provide electric power to its customers. Edison has not yet responded to the complaint.

This ruling sets a PHC and calls for PHC statements to be filed prior thereto.

PHC

This ruling sets a PHC for Wednesday, July 7, 2004, commencing at 1:30 p.m., in the Commission's Courtroom, 505 Van Ness Avenue, San Francisco,

California 94012. A PHC is called to determine the parties, positions of the parties, issues, and other procedural matters.

PHC Statements

Parties shall file PHC statements no later than Friday, June 25, 2004. The PHC statements should address (a) the need for hearing (*i.e.* state whether hearings are necessary and if so, list the material issues of disputed fact in dispute which require an evidentiary hearing. Can the parties stipulate to some or all of these facts?); (b) the issues to be considered; (c) the proposed schedule for the proceeding in order for the Commission to resolve this proceeding within 12 months of its initiation (*see* Pub. Util. Code § 1701.2(d)); other procedural issues necessary for a prompt resolution of this proceeding.

Other Procedural Matters

Parties are advised that they should not wait for the PHC to commence discovery. If parties are unable to resolve discovery disputes, they may tender their discovery disputes to the Commission pursuant to the procedure set forth in Resolution ALJ-164.

IT IS RULED that:

1. The Commission has set a prehearing conference (PHC) in the above-captioned matter for Wednesday, July 7, 2004, commencing at 1:30 p.m., in the Commission's Courtroom, 505 Van Ness Avenue, San Francisco, California 94012.

2. Parties shall file PHC statements no later than Friday, June 25, 2004 on the issues set forth in this ruling. A temporary service list is attached to this ruling. The parties should also serve the counsel for Edison who file a response to the complaint (this has not yet been filed.) Please also serve the undersigned with the PHC statements by same day email service at jjj@cpuc.ca.gov.

3. Parties should not wait for the PHC to commence discovery. If parties are unable to resolve discovery disputes, they may tender their discovery disputes to the Commission pursuant to the procedure set forth in Resolution ALJ-164.

Dated June 14, 2004, at San Francisco, California.

/s/ Janet A. Econome
Janet A. Econome
Administrative Law Judge

Service Lists

***** APPEARANCES *****

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***** INFORMATION ONLY *****

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference (PHC) and Calling for PHC Statements on all parties of record in this proceeding or their attorneys of record.

Dated June 14, 2004, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.